

APPEAL NO. 021855
FILED SEPTEMBER 11, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 16, 2002. The hearing officer determined that the amended report of the designated doctor as to the appellant's (claimant) impairment rating (IR) was entitled to presumptive weight, and that the IR of the claimant was 12%. This case was remanded for the purpose of obtaining the required respondent's (carrier) registered agent information, and the decision on remand was unchanged.

The claimant's attorney appeals. Because the claimant is now deceased, he requests that determination of the appeal be held in abeyance. In the alternative, he requests that the great weight of contrary medical evidence be found to outweigh the designated doctor's amended report.

DECISION

We affirm the hearing officer's decision.

The Appeals Panel has no authority to suspend resolution of its decision; Section 410.204(c) provides that if the Appeals Panel does not issue its decision within the 30th day after the date the response is filed, the hearing officer's decision becomes final.

The hearing officer did not err in according presumptive weight to the amended report of the designated doctor (in accordance with Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i))). The designated doctor amended his report, originally 22% IR, to omit the range of motion (ROM) IR, after a doctor for the carrier pointed out a discrepancy between the cervical movements that the designated doctor had noted were normal (albeit painful), when he examined the claimant and the tested movements performed by a clinic outside the observation of the designated doctor. The designated doctor agreed that this inconsistency invalidated the clinically-measured ROM, and reissued his report lowering the IR to 12%. Against this was a report by one of the claimant's doctor's, based upon an examination shortly after the designated doctor's examination, that certified a 17% IR (8% of which was for ROM deficits). The arguments offered by the claimant on appeal were also offered for consideration by the hearing officer. We cannot agree with the points of error raised, and affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ARGONAUT-SOUTHWEST INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH A. YURKOVICH
1431 GREENWAY DRIVE, SUITE 450
IRVING, TEXAS 75038.**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge